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SUBJECT: OPEN SOCIETY JUSTICE INITIATIVE CONDEMS DR BIRTH  
REGISTRATION SYSTEM

REF: A. 07 SANTO DOMINGO 479

[1B.](#) 07 SANTO DOMINGO 2495

[11.](#) (SBU) Summary: EmbOffs met with representatives of the Soros affiliated Open Society Justice Initiative to discuss the Dominican Republic's birth registration policy, especially how it adversely affects Dominicans of Haitian descent. The Justice Initiative highlighted deficiencies with the country's current birth registration system, and discussed other related issues with documentation. These issues remain a continuing concern for the Embassy as the GODR has not shown sufficient will to acknowledge and address the issue. End summary.

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Background  
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[12.](#) (SBU) The Open Society Justice Initiative (OSJI) is an operational program of the Open Society Institute, an NGO founded and chaired by George Soros. The Justice Initiative states that it pursues law reform activities grounded in the protection of human rights, and contributes to the development of legal capacity for open societies worldwide.

[13.](#) (SBU) The Dominican constitution grants citizenship to all children born on Dominican soil, except for the children of diplomats and the children of persons who are "in transit." In 2004 the Dominican Congress modified provisions of its immigration law to exclude from eligibility for Dominican citizenship the children of non-resident mothers (Ref A). The non-resident category includes tourists, travelers in transit to other countries, temporary workers, persons who entered the country legally but overstayed their visas, and undocumented migrants. The Dominican Supreme Court upheld the law's constitutionality in 2005.

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Justice Initiative Condemns Current Birth Registration  
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[14.](#) (SBU) On January 28 EmbOffs met with OSJI representatives Julia Harrington, Indira Goris and Liliana Gamboa. Harrington, a Senior Legal Officer with the Justice Initiative, stated that the Dominican Republic has implemented legislative and bureaucratic measures that have rendered a number of Dominicans of Haitian descent effectively or functionally stateless. The 2004 immigration law created the Registry of Foreigners or "Pink Book" ("libro de extranjeria" or "libro rosado"), which allows children born in the Dominican Republic of non-resident mothers to be registered in the special Registry of Foreigners. The Registry does not confer citizenship. The parent must take

the special birth certificate to the parent's corresponding Embassy or Consulate to request citizenship for the child (Ref A). Harrington highlighted that although the law allows for documenting children of non-resident mothers in the Registry of Foreigners, the law also deprives Dominicans of Haitian descent of what she considers a lawful constitutional right to a Dominican nationality.

15. (SBU) In addition, the Justice Initiative claims to have documented cases of the Central Elections Board (JCE) putting on administrative or investigative review requests for copies of birth certificates or national ID and voting cards (cedulas) of individuals who look Haitian or whose parents are of Haitian descent. Both Harrington and a previous UN report state that the JCE has issued Circular 17, relating to suspicious documents, which gave instructions allowing working level officials to question or confiscate documents belonging to those of Haitian descent (Ref B). Sonia Pierre, Director of the Movement of Dominican-Haitian Women (MUDHA), has reported similar incidents. (Note: To date, the Embassy has not been provided with a copy of Circular 17 from any source. End Note.)

16. (SBU) Harrington also stated that the implementation of the Registry of Foreigners has been less than adequate citing that, to date, there are only thirty-seven known cases of children born to non-resident mothers registered in the Registry, of which seventeen are children born to Haitian mothers. (Note: The JCE told EmbOffs that full implementation of the Registry began in December 2007 and corroborated the number registered to date. End Note.) In a previous meeting with PolOff in December 2007, the mayor of Dajabon, a town along the border with a significant Haitian population, seemed genuinely unaware of the Registry of Foreigners for non-residents and stated that Haitian mothers who give birth in her city did not have a special

registration process nor were they issued a special document of birth. Haitians who give birth must go to the Haitian consulates to acquire a birth certificate.

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GODR Efforts to Improve Documentation  
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17. (U) The JCE highlighted to PolOff in previous meetings its efforts to improve birth registration and documentation, one of which was to create the Registry of Foreigners in March 2007. In fact, Embassy officers actively encouraged the establishment of this Registry, since American children whose parents were "in transit" in this country were also denied birth documentation in its absence. Through the Registry, these Amcit children now obtain a birth document that can subsequently be presented here when their parents apply for a Consular Report of Birth Abroad.

18. (U) While registration of persons of Haitian descent remains controversial, the JCE appears to be making strides in registering Dominican children. The JCE opened a mobile civil registration unit in the town of Salcedo, Hermanas Mirabal Province. A JCE judge told PolOff that the JCE plans to deploy five of these mobile units within three years with the goal of registering as many as 18,000 undocumented children. The JCE also inaugurated a newer, more modern facility in Santo Domingo for the Second Circumscription of the local Civil Registry. The opening of the facility, which JCE officials expect to handle over 2,100 applicants a day, is timely as officials also reported that political parties are bringing 600-700 individuals a day to register for a cedula.

19. (U) JCE officials highlight the modernization of the civil registry systems stating that to date over seventy-six percent of birth certificates are scanned and available online. The JCE has also developed an online system for Dominicans living abroad to request birth documentation and to register to vote for upcoming elections. The new Second Circumscription facility has equipment that can issue a

cedula within hours.

**¶10. (U)** Government officials, including a JCE judge, participated in August 2007 in the first Latin American Regional Conference on Birth Registration and Right to Identity, an event organized by UNICEF, OAS and Plan International. The judge told PolOff that attending the conference was "productive and gave him ideas on how to approach the problem of documentation."

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Other Areas of Concern  
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**¶11. (SBU)** Although the JCE claims that most birth certificates are now available online, the JCE's current computer systems are inadequate in several areas. Presently, only four out of 152 civil registry locations have conditions ready for new computerized systems. Many civil registries do not have adequate building facilities, much less the adequate communication systems necessary for a centralized linked computer records system. The current system also does not include features such as single registry per citizen, no data alterations, track changes, transaction traceability and integrated biometric information. Lastly, the system since its initial deployment in 2005 has not incorporated recent requirements such as the Registry of Foreigners. The JCE has contracted a technological consortium to build such a system; however, a commercial dispute has delayed its full implementation.

**¶12. (SBU)** The Registry of Foreigners and the mobile civil registry units do not address the issues of other undocumented persons. Many are undocumented adults who are second or third generation descendants of Haitian migrant workers, whose parents and grandparents themselves did not have documents. A JCE judge told PolOff that these undocumented persons are not Dominicans. He argued that they are not functionally stateless, as the Haitian constitution provides for a *jus sanguini* claim to Haitian nationality. (Note: Their claim to Haitian nationality is tenuous as most were born and raised or lived in the Dominican Republic most, if not all of their lives, most are undocumented, and many speak Spanish rather than Creole. End Note.)

**¶13. (SBU)** Harrington stated they also have information of cedulas being issued irregularly, wherein officials from political parties "facilitate" the issuance of the cedulas

with expiration dates in June 2008. (Note: Per Embassy contacts, cedulas are normally issued for a validity of four years. The DR will hold presidential elections on May 16. End Note). Harrington suggested political party officials are facilitating the issuance of cedulas to enable individuals to vote for the officials, affiliated political party.

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Engagement  
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**¶14. (SBU)** Harrington stated they have not engaged the GODR government on the issue of documentation. She urged the USG to advocate on behalf of the affected population. The Justice Initiative has briefed the Bureau of Population, Migration and Refugees (PRM) of its efforts in the Dominican Republic and has met with Embassy staff on several occasions. EcoPol Counselor stated that 2007 Human Rights Report has a new requirement adding a section highlighting the issue of statelessness, and that we would value any information OSJI could give that would allow us to better understand this issue. ConGen requested specific information regarding allegations of revocation of birth certificates or cedulas and irregular issuances of cedulas for follow-up with the JCE.

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Comment

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¶15. (SBU) The lack of documentation is an ongoing issue in the country. The JCE estimates as many as six hundred thousand Dominicans do not have birth certificates and as many as two hundred thousand do not have cedula. A number of these individuals are ostensibly Dominicans of Haitian descent, many of who insist on Dominican nationality as opposed to being registered as a foreigner. While the government deserves credit for implementing the Registry of Foreigners, much more needs to be done to effectively address the issue of documenting individuals who are presently functionally stateless. EndComment.

FANNIN